

REMARKS

This is in response to the non-final Office action dated April 7, 2005, for which the three-month shortened statutory period is set to expire on July 7, 2005. This response is being made before the expiration date.

By this Amendment, Claims 1-36 are pending in the application.

Support for this Amendment can be found in the specification and claims as originally filed and no new matter is presented hereby. The amendment to claim 1 finds support in original claim 4. The amendments to claims 4 and 11 find support at page 6, lines 27-29, of the specification as originally filed. Support for the amendment to claim 8 is found in claim 8 as originally filed. The amendments to claims 12, 24, 25, are typographical or grammatical in nature. Support for the amendment to claim 16 is found in claim 16 as originally filed. Support for the amendments to claims 17 and 18 is found at page 12, lines 7 and 29 of the specification as originally filed and in original claim 4. Support for the amendment to claims 19 and 23 is found at page 8, lines 9-10 of the specification as originally filed. Support for the amendment to claim 20 is found in original claim 26. Support for the amendment to claim 21 may be found at page 25, line 29 through page 30, line 22. Support for the amendment to claim 26 is found in originally filed claim 20. The amendment to claim 30 finds support in original claim 4. Support for new claim 31 finds support at page 8, lines 9-10, and page 4, lines 20-23 of the original specification. Support for new claim 32 is found at page 8, lines 9-10 of the originally filed specification. Support for new claim 33 is found at page 8, lines 9-10, and original claim 11. Support for new claims 34 and 35 is found at page 8, lines 9-10, and page 23, lines 17-18, of the original specification. Support for new claim 36 is found in original claim 21. The Amendments to the specification merely place the trademarks identified by the Examiner in capital letters. Accordingly, no new matter is presented by this Amendment.

Objections to the Specification

The Examiner has required that Applicant review the application for trademarks and capitalize each occurrence. The present amendments to the specification place the trademarks in capital letters. The examiner has also stated that the trademarks should be accompanied by the generic terminology. Applicant respectfully submits that since the meanings of the trademarks referred to in the specification are definite and well known, further generic or explanatory language is unnecessary. See M.P.E.P. § 608.01(v).

Claim Objection

Claim 1 was objected to for omission of the indefinite article "a." This objection has been overcome by the present amendment.

Rejection under 35 U.S.C. § 112

Claims 8-11 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The language objected to by the Examiner has been clarified by the present amendment.

Rejection under 35 U.S.C. §§ 102 and 103

Claims 1-3, 6-10, 12-14, 17-20, 24, 25, and 27-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Siegel (U.S. Patent No. 6,442,523).

Claim 15 stands rejected under 35 U.S.C. § 103 as being anticipated by Siegel in view of Hull (U.S. Patent No. 5,919,046).

The rejections are traversed as follows.

Siegel is directed to a method for the auditory navigation of on-screen textual information by a person who understands the on-screen language in its spoken form, but who cannot read. See Siegel, Abstract. Specifically, this is done by using minimal phonetic or phonemic bits of language to create a set of text entries which may be perused by the user. See Siegel, column 3, lines 1-18. This presumes that the user can understand the spoken language and thus the Siegel

system is used to allow a non-literate person to navigate text, thereby enabling a non-literate user to accomplish things such as navigating to and selecting text entries of interest, navigating and implementing text-based on-screen control functions, selecting words for use in writing a story, etc. See column 4, lines 1-15.

In the "talking dictionary" embodiment of Siegel, discussed beginning at column 4, the user with minimal reading ability may navigate to words in a multimedia dictionary. In a web browser embodiment of Siegel, discussed beginning at column 18, the same navigation techniques used in the talking dictionary are used to search and navigate to web pages.

It is well-established that, to be anticipatory, a reference must disclose each and every feature of a claimed invention. Claims 1-7, 12-15, 19, 33, and 35 are directed to a computer-based language instruction system including a rollover region for causing audible playback of an on-screen word in a first language and an on-screen object for triggering audio playback of the word in a second language different from the first language. Likewise, claims 17 and 34 are directed to a method of providing language instruction and likewise reciting an on-screen word in a first language and an on-screen object for triggering audio playback of the word in a second language different from the first language. Claim 18 is directed to a computer-readable medium and likewise recites an on-screen object for triggering audio playback of the word in a second language different from the first language. Claims 20 and 32 are directed to a method for developing a language instruction system which includes inter alia, creating an on-screen object for triggering bilingual playback of an on-screen word. Claims 30 and 31 are directed to a markup language document including, inter alia, an on-screen object for triggering audio playback of the word in a second language different from the first language. Because Siegel fails to disclose the recited object for triggering playback in a second language, it is respectfully submitted that claims 1-7, 12-15, 17-20, and 30-35 are patentable over Siegel. Withdrawal of the rejection of claims 1-3, 6, 7, 12-14, 17-20 and 30 under 35 U.S.C. § 102(e) is, therefore, respectfully requested.

Claims 8-11 and 35 are directed to a computer-based language instruction system including, inter alia, a first on-screen object for triggering audio

playback of a multiword phrase or sentence in a first language and a second on-screen object for triggering audio playback of the multiword phrase or sentence in said a second language different from said first language. Because Siegel fails to disclose the recited first and second on-screen object for triggering playback in first and second languages, it is respectfully submitted that claims 8-11 and 35 are patentable over Siegel. Withdrawal of the rejection of claims 8-11 under U.S.C. § 102(e) is, therefore, respectfully requested.

Claims 21-29 and 36 are a method for developing a language instruction system including, inter alia, creating a FLASH document including a background image and a digital sound recording of a word for audible playback. Because Siegel fails to disclose creating the recited FLASH document, it is respectfully submitted that claims 21-29 and 36 are patentable over Siegel. Withdrawal of the rejection of claims 24, 25, and 27-29 under U.S.C. § 102(e) is, therefore, respectfully requested.

With respect to claim 15, it is well established that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also In re Wilson, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Both the Siegel patent and the cited Hull patent fail to teach or suggest the claimed system requiring an on-screen word in a first language and an on-screen object for triggering audio playback of the word in a second language different from the first language. Therefore, it is respectfully submitted that claim 15 is not rendered prima facie obvious by the cited prior art. Withdrawal of the rejection of claim 15 under 35 U.S.C. § 103 is, therefore, respectfully requested.

Conclusion

Applicant has made diligent effort to place the claims into condition for allowance. It is believed that the case is now in condition for allowance and early notice to that effect is earnestly solicited. Should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (603) 628-1461 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,
McLANE, GRAF, RAULERSON &
MIDDLETON, P.A.

A handwritten signature in black ink, appearing to read "Scott C. Rand", written over a horizontal line.

Scott C. Rand; Reg. No. 40,359
900 Elm St., P.O. Box 326
Manchester, NH 03105-0326
(603) 625-6464 (tel)
(603) 625-5650 (fax)

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